



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 27, 2021

BY ECF

Hon. Denise L. Cote
United States District Court
Southern District of New York
500 Pearl Street, Room 1610
New York, New York 10007

**Re: *Khan v. U.S. Department of Defense et al.*,
18 Civ. 5334 (DLC)**

Dear Judge Cote:

Defendant the United States Central Command ("CENTCOM") writes respectfully in this Freedom of Information Act ("FOIA") case to request a modification of the production schedule as follows: by June 18, 2021, CENTCOM will complete processing of the exhibits set forth on the November 24, 2020 list provided by plaintiff (the "November list") that CENTCOM previously located but excluded from processing by agreement with plaintiff; by June 28, CENTCOM will complete processing of additional records on the November list that CENTCOM has located in its possession; and CENTCOM's next production will be due on August 30, 2021. CENTCOM also respectfully requests a corresponding extension of the deadline for the parties' next joint status request, from June 1 to July 1, 2021. Plaintiff consents to these requests.

As the parties have reported in their joint status reports, CENTCOM has been making productions of records in response to plaintiff's FOIA requests approximately every sixty days. With the sixteenth production, produced on January 29, 2021, CENTCOM completed its initial productions of the records located by CENTCOM and processed in accordance with the parties' agreement to process final reports and provisionally exclude exhibits to those reports. The seventeenth production, produced on April 20, 2021, consisted of responsive records that CENTCOM did not locate in its files, but were located in the files of the Special Operations Command ("SOCOM").

CENTCOM is now working on two lists of records that were submitted by plaintiff: the November list and a second list submitted on March 1, 2021 (the "March list"). The November and March lists seek certain reports that were not included in CENTCOM's initial productions and therefore may require supplemental searches by CENTCOM and/or SOCOM, as well as certain exhibits that were excluded from CENTCOM's initial productions by agreement. The eighteenth production will include the records from plaintiff's November list that CENTCOM has located in its files.

Additional time is needed to complete the eighteenth production, which is currently due on May 28, 2021. CENTCOM continues to experience delays in review by subject matter experts, due to the mission requirements in Afghanistan. CENTCOM also continues to experience staffing limitations as a result of the pandemic, and the records in this case cannot be accessed remotely because they reside on classified records systems. CENTCOM believes it can complete production by June 18, 2021, of the exhibits on the November list that were located in CENTCOM's files but excluded from processing by agreement. In addition to those exhibits, CENTCOM is manually reviewing a large volume of material returned by supplemental searches to identify non-duplicative responsive records. CENTCOM respectfully requests until June 28, 2021, to complete processing of such records.

This is CENTCOM's first request for an extension of time with respect to the eighteenth production. CENTCOM previously requested, and the Court granted, a 30-day extension with respect to the fourteenth production and a 3-week extension with regard to the seventeenth production.

CENTCOM thanks the Court for its consideration of this application.

Respectfully,

AUDREY STRAUSS
United States Attorney

By: /s/ Sarah S. Normand
SARAH S. NORMAND
Assistant United States Attorney
Telephone: (212) 637-2709
Email: sarah.normand@usdoj.gov
Counsel for Defendants

Granted.

Denise C. H.
5/27/21